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NORTH CAROLINA DEPARTMENT OF
ENVIRONMENT AND NATURAL RESOURCES

DIVISION OF WASTE MANAGEMENT

September 7, 2000

Mr. Richard O'Neil
Phoenix Recycling Corporation
8440 US Highway 70E
New Bern, NC 28560

25-05TP

Fac/Perm/Co ID #	Date	Doc ID#
25-05TP	6/17/08	DIN 4882

Carmen Johnson

RE: Interim Permit to Operate, Phoenix Recycling C&D Treatment & Processing
Facility, Permit # 25-05-TP

Dear Mr. O'Neil:

The purpose of this letter is to inform you that, under the solid waste management regulations, the purchase of the referenced facility constitutes a transfer of ownership of the facility and as such a new permit is required. However, the Solid Waste Section(Section) is aware that the existing stockpile of materials within the referenced facility was not created by the current owner and that a firm commitment has been made to remove the stockpiled material in a reasonable and timely manner. The Section hereby grants interim approval to operate the referenced solid waste management facility. This interim approval will allow the facility to continue to operate until the five-year permit expires on January 22, 2001. This interim period should provide adequate time for the owner/operator to bring the facility into compliance and to meet the revised requirements for a construction & demolition treatment & processing facility, as outlined in attached guidance document. The facility will be considered in compliance when the attached conditions for compliance have been addressed to the satisfaction of the Section. Within 15 days, please submit for approval to Phillip Prete a schedule for complying with the attached "conditions for compliance." Since the past compliance history of a facility is a major factor in the five-year review of a permit, it is imperative that the facility be operating in compliance before the new permit is issued.

In an attempt to encourage the recycling of construction and demolition debris, the original permit issued by the Section for this facility was a "speculative" one. Good faith estimates of processing equipment capabilities and proposed recycling markets were not questioned by the permitting staff. Based on the experience with this facility and similar facilities over the last five years, the Section now has serious concerns about the economic viability and the potential environmental impact of these facilities.

The permit application requirements for these facilities have been revised and are attached to this letter. The most significant changes are: Specific information regarding the capability of the processing equipment and actual recycling markets will be required. The conditions of storage, including approved storage time, storage containers, and approved storage volume of the unacceptable material, the



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AN EQUAL OPPORTUNITY / AFFIRMATIVE ACTION EMPLOYER - 50% RECYCLED/10% POST-CONSUMER PAPER

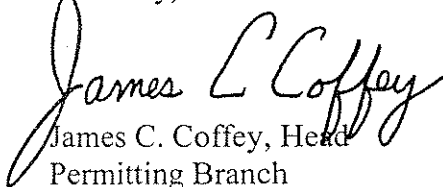
by-pass material, and the recyclable material must be specified in the operations plan. Waste acceptance as well as storage and processing conditions will be specified in the permit based on the facility's demonstrated capability to manage the waste in such a manner that 75% of the recyclable material will be processed and removed from the facility within one year of receipt.

The permit application should be submitted at least 60 days prior to the expiration date of the permit and must address the requirements outlined in the attached guidance document. The Section strongly encourages the use of a professional engineering consultant to assist in the preparation of the permit application.

The owner/operator has also requested permission to construct a berm along the Phoenix property line near the Tucker School. Although the construction of a berm is a good idea, the Section requires more information before a decision can be made. Accordingly, the Section requests the following information: a site plan indicating the proposed location of the berm and its relationship to the property boundary and the stockpile; the proposed length, height, and width of the berm; proposed vegetation; and, if any of the processed material is used, a chemical analysis of the material is required. The Section appreciates your efforts in the recent weeks to make improvements at the facility and look forward to providing assistance to you.

For assistance regarding the preparation of the permit application, contact Jim Barber, Eastern Area Engineer in the Fayetteville Regional Office @ (910) 486-1541 or in the Raleigh Central Office @ (919) 733-0692, extension 344. For assistance with compliance issues, please contact Phillip Prete in the Raleigh Central Office @ (919) 733-0692, extension 252.

Sincerely,



James C. Coffey, Head
Permitting Branch
Solid Waste Section

cc: Rob Coleman
Dexter Matthews
Phil Prete
Mark Fry
Bobby Nelms
Jim Barber

GUIDANCE for PREPARATION of PERMIT APPLICATIONS

for

CONSTRUCTION & DEMOLITION

TREATMENT AND PROCESSING FACILITIES

Rule .0201(a) states that " No person shall establish or allow to be established on his land, a solid waste management facility, or otherwise treat, store, or dispose of solid waste unless a permit for the facility has been obtained from the Division."(of Waste Management) The following guidance is provided to assist in the preparation of the general permit applications in accordance with Rule .0202 for facilities treating or processing construction and demolition materials:

1. Site and Construction Plans or scale drawing showing the location of the proposed facility along with the following items;
 - a. Property lines
 - b. Existing topography
 - c. Proposed grading with final grade
 - d. Sedimentation and Erosion control plan with permanent and temporary structures and an approval letter from the Land Quality Section.
 - e. Existing and any proposed buildings, structures ,etc
 - f. Existing surface water features(ditches, ponds, swamps, etc.)
 - g. Access control features(gates, fences, earthen berms)
 - h. Existing and proposed roads
 - i. 100 year flood plain (FEMA Flood Insurance Rate Map with site indicated on it).
 - j. Letter from the appropriate agency that the proposed facility shall not cause or contribute to the taking of any endangered or threatened species of plants, fish, or wildlife.
 - k. Letter from the appropriate agency that the proposed facility shall not damage or destroy an archaeological or historical site.(letter issued by Archaeology & Historic Preservation).
 - l. Letter from the appropriate agency that the facility shall not cause an adverse impact on a state park, recreation or scenic area or any other lands included in the state nature and historic preserve. (letter issued by Historic Sites Section.)
 - m. Letter from the appropriate agency stating that the site is not located in a wetland. (Army Corps of Engineers)
 - n. Groundwater table information shall be provided in the form of hand auger borings, test pits or other suitable information that depicts groundwater elevation at the site.
 - o. A letter from the local planning administrator or the agency that has zoning jurisdiction stating that the proposed facility meets all requirements of any applicable zoning ordinance.
 - p. Legal description of the property and a copy of the deed for the property with metes and bounds.
 - q. The facility shall meet the following minimum buffer requirements;
 1. storage areas for all material; including unacceptable material, by-pass material and recyclable material, must be a minimum of 100 feet from the site property lines and all surface waters.
 2. storage areas for all material; including unacceptable material, by-pass

material and recyclable material, must be a minimum of 100 feet from residential dwellings, commercial or public buildings and wells.

- r. notarized and signed affidavits (attached) from the land owners of the site, if the property is owned by an individual(s)/Corporation that are not the proposed operators.

2. Operations Plan:

An operations plan with the following items:

- a. A narrative, describing in detail, the proposed conditions of acceptance, storage, separation, processing and final disposition of unacceptable material, by-pass material, and recyclable material. Also, a demonstration that the operations plan ensures the facility's capability to manage the waste in such a manner that 75% of the recyclable material will be processed and removed from the facility within one year of receipt. Unacceptable material is defined as material not permitted for acceptance at the facility. Acceptable material is defined as material permitted for acceptance at the facility and specified in the operations plan. By-pass material is defined as acceptable material but is material that the facility has not demonstrated a viable market and must be disposed of in an approved landfill. Recyclable material is acceptable material for which the facility has demonstrated markets and may require processing for recycling.
- b. A material screening plan, including a list of the unacceptable material, by-pass material, and recyclable material and proper management of these materials.
- c. A plan for the management of unacceptable materials including storage conditions and storage time prior to disposal in a specified landfill.
- d. A plan for the management of by-pass material including storage conditions and storage time prior to disposal in a specified landfill.
- e. A management plan for separating and processing recyclable material including storage conditions and storage times prior to separation, processing, and removal from the site. (if processing includes grinding, a permit from Air Quality or a letter stating that a permit is not required should be provided)
- f. Specific information regarding the type and capability of the processing, separation, and loading equipment.
- g. Locations of storage areas shown on the site plan indicating the types of material stored, proposed storage areas, storage conditions, traffic lanes, etc
- h. A narrative regarding listing of all proposed end uses for the recycled materials, including the name and location of the entity receiving the proposed materials. Letters of intent are sufficient for this item. If the information in this item is considered confidential, then documents shall be stamped as such and the Solid Waste Section will handle in accordance with applicable General Statutes.
- i. A letter from the local fire marshal/chief of the appropriate fire dept. that has jurisdiction over this facility that a incident at this facility will be responded to with the appropriate equipment.
- j. A narrative describing how Asbestos Containing Materials(ACM's) will be screened for and how such materials will be handled if received(an approval letter from the Health Hazards Control Branch addressing an approved plan).

ATTACHMENT
PHOENIX RECYCLING - HAVELOCK FACILITY
CONDITIONS FOR COMPLIANCE

1. Remove all by-pass waste to a permitted MSW landfill.
2. The unprocessed stockpile of waste must ultimately be removed through segregation and processing or removal and disposal at a landfill permitted to receive the waste. Schedule of removal should show progressive reduction in height and perimeter of pile. Operating size of stockpile should never be beyond that which operational records demonstrate can be practicably processed within 30 days during normal operations.
3. Remove waste to achieve the buffer between stockpiled waste and southwestern property line as specified in the facility permit.
4. Cover all unprocessed waste on the site with the exception of that which active processing necessitates access. Reduce uncovered stockpile of waste to the smallest area practical as determined by rate of processing.
5. Submit materials flow reports to document (a) quantity of material taken in, (b) quantity of material processed, (c) quantity of bypass material landfilled, (d) quantity by material type shipped off site for recovery.
6. Implement a methane monitoring program as required by permit and within 30 days submit first round of data.
7. Immediately submit the required groundwater and surface water analytical data and resume surface and groundwater monitoring program as required in permit.